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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/004,880	12/07/2001	Steve Tu	2769-118	7593	
6449	7590 03/01/2006		EXAMINER		
	L, FIGG, ERNST & MA	LOFTIS, JOHNNA RONEE			
1425 K STRE SUITE 800	EET, N.W.		ART UNIT	PAPER NUMBER	
WASHINGTON, DC 20005			3623		
			DATE MAILED: 03/01/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

		T	Application No.	Applicant(s)				
Office Action Summary		10/004,880	TU ET AL.					
		Examiner	Art Unit					
			Johnna R. Loftis	3623				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD F CHEVER IS LONGER, FROM THE M sions of time may be available under the provisions SIX (6) MONTHS from the mailing date of this common period for reply is specified above, the maximum single to reply within the set or extended period for reply exply received by the Office later than three months and patent term adjustment. See 37 CFR 1.704(b).	MAILING DA s of 37 CFR 1.136 munication. tatutory period wi y will, by statute, o	TE OF THIS COMMUNICA S(a). In no event, however, may a reply Il apply and will expire SIX (6) MONTH cause the application to become ABAN	TION. y be timely filed S from the mailing date of this of DONED (35 U.S.C. § 133).				
Status								
1)	Responsive to communication(s) file	ed on <i>07 De</i>	cember 2001.					
·	This action is FINAL . 2b) ☐ This action is non-final.							
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Dispositi	on of Claims							
4)⊠ Claim(s) <u>1-17</u> is/are pending in the application.								
-	4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.								
6)	6) Claim(s) is/are rejected.							
7))☐ Claim(s) is/are objected to.							
8)⊠	Claim(s) 1-17 are subject to restrict	ion and/or e	ection requirement.					
Applicati	on Papers							
9)[The specification is objected to by the	ne Examiner						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority u	ınder 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:								
	1. Certified copies of the priority documents have been received.							
	2. Certified copies of the priority documents have been received in Application No							
	3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).								
* See the attached detailed Office action for a list of the certified copies not received.								
Attachmen	r(e)							
	e of References Cited (PTO-892)		4) T Interview Sun	nmary (PTO-413)				
2) Notic	e of Draftsperson's Patent Drawing Review (I		Paper No(s)/N	Mail Date	-0.450)			
	nation Disclosure Statement(s) (PTO-1449 or No(s)/Mail Date	r PTO/SB/08)	5) \(\square\) Notice of Info 6) \(\square\) Other: \(\square\).	rmal Patent Application (PT	U-152)			

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DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-7, including claims 13-17 with language directed to material-receiving data, drawn to transmitting and receiving material-receiving data and storing the data in order of material-receiving dates, classified in class 705, subclass 7.
- II. Claims 8-12, including claims 13-17 with language directed to material-issuing data, drawn to transmitting and receiving material-issuing data wherein materials are issued with a first-in-first out mode of material management, classified in class 705, subclass 7.
- III. Claims 13-17, drawn to system for transmitting data from a database via a server, classified in class 707, subclass 1.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as receiving material information for purposes of inventory management. See MPEP § 806.05(d).
- 3. Inventions I and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case invention III

can be used to transmit employee schedule information from a database via a network management server.

- Inventions II and III are related as process and apparatus for its practice. The inventions 4. are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case invention III can be used to transmit employee schedule information from a database via a network management server.
- 5. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.
- Applicant is advised that the reply to this requirement to be complete must include (i) an 6. election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In Application/Control Number: 10/004,880

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either instance, if the examiner finds one of the inventions unpatentable over the prior art, the

evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a request under 37 CFR

1.48(b) and by the fee required under 37 CFR 1.17(i).

8. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Johnna R. Loftis whose telephone number is 571-272-6736. The

examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL 7 7 2/242006

SUSANNA M. DIAZ
PRIMARY EXAMINER

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